

WAVING CERTAIN SUBSECTIONS OF SECTION 212 (a) OF
THE IMMIGRATION AND NATIONALITY ACT IN BEHALF
OF CERTAIN ALIENS

MARCH 12, 1956.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. FEIGHAN, from the Committee on the Judiciary submitted
the following

R E P O R T

[To accompany H. J. Res. 553]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 553) waiving certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of six persons.

GENERAL INFORMATION

The committee, desiring to lighten the burden of the Chief Executive and to shorten the time required for the consideration of Private Calendars on the floor of the House, has decided to include the names of several beneficiaries of pending bills in one joint resolution, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

Section 1 of the joint resolution provides that Alexander A. Nifiodoff may be admitted to the United States for permanent residence notwithstanding the fact that he has been adjudged to be feeble-minded. Mr. Nifiodoff was the beneficiary of H. R. 1233, by Mr. Mailliard.

Section 2 which waives the provision of section 212 (a) (3) of the Immigration and Nationality Act shall be inapplicable in the case of Kieran Patrick Kenny. That section of the law provides that aliens

who have had an attack of insanity shall be inadmissible to the United States for the United States for permanent residence. Father Kenny was the subject of H. R. 1451, by Mr. Rooney.

Both sections 1 and 2 provide that permanent bonds be posted as surety that the aliens will not become public charges.

Section 3 waives the provision of section 212 (a) (19) of the Immigration and Nationality Act in behalf of Mrs. Emma Green, the beneficiary of H. R. 1533, by Mr. Wilson of California, who is inadmissible to the United States because she entered this country on several occasions, from Canada, by claiming to be a citizen of the United States.

Section 4 waives the provisions of section 212 (a) (9) (12) and (19) of the Immigration and Nationality Act in behalf of Mrs. Enriqueta Velarde de Boyce, who was the beneficiary of H. R. 1534, by Mr. Wilson of California. Subsection (12) of the above-cited act provides that aliens who have practiced prostitution, and since conviction for that practice has been held to be a crime involving moral turpitude, the beneficiary is also ineligible for admission into the United States under the provision of subsection (9). She is further inadmissible under the provision of subsection (19) because she endeavored to withhold the information regarding her convictions when she applied for a visa to enter the United States.

Section 5 waives the provision of section 212 (a) (9) of the Immigration and Nationality Act, concerning the inadmissibility of aliens who have been convicted for the commission of crimes involving moral turpitude, in behalf of Mrs. Elizabeth G. B. Hohn, the beneficiary of H. R. 3047, by Mr. McMillan.

Section 6 waives the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act in behalf of Mrs. Gertrud Auguste French, who was the beneficiary of H. R. 6238, by Mr. Westland.

Sections 3 through 6 also provide that the grounds for exclusion waived by this joint resolution shall apply only to causes for exclusion of which the Departments of State and Justice had knowledge prior to the enactment of this legislation.

A discussion of each case included in the joint resolution, with reports from the departments of the administration and such additional information as was obtained by the committee, appears below in the order that those cases appear in the resolution.

Alexander A. Nifiodoff—H. R. 1233, by Mr. Mailliard

Mr. Nifiodoff is a 39-year-old native of Russia who resides in Paraguay with his father. His sister resides in this country and is a naturalized citizen of the United States.

The pertinent facts in this case are contained in a letter, dated November 8, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 10233) pending during the 83d Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 8, 1954.

Hon. CHAUNCEY W. REED,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10233) for the relief of Alexander A. Nifodoff, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the San Francisco, Calif., office, which has custody of that file.

The bill would waive excluding provisions of the Immigration and Nationality Act relating to feeble-mindedness by providing that, notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Alexander A. Nifodoff may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act. It also provides that a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

As a native of Russia, the beneficiary would be chargeable to the quota for that country.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILE CONCERNING ALEXANDER ALEXIS NIFODOFF, BENEFICIARY OF
PRIVATE BILL H. R. 10233

The beneficiary, Alexander Alexis Nifodoff, was born on August 31, 1916, at Vladivostock, Russia, and has never resided in the United States. Information concerning him was furnished by his sister, Mrs. Tamara Moira Reinberg, 120 18th Avenue, San Francisco, Calif.

Mrs. Reinberg states she and beneficiary are children of Alexis Nifodoff and Taia Savin. Their father was an officer in the Imperial Russian Navy at the time of the revolution, and in order to escape the Bolsheviks, he deserted his vessel and the family escaped to Hong Kong, British Crown Colony. Mrs. Reinberg was born in Hong Kong. When she was 2 years of age, the parents moved the family to Shanghai, China, where they resided in the International Settlement until 1949. Upon conquest of China by the Communists, the family removed to the Philippine Islands under auspices of the Russian Emigrant Society and took refuge in the Tutabao Camp of the International Refugee Organization on Samar Island, Philippines. All had made application to emigrate to the United States, but quota numbers were not available. Sponsor and her husband, Boris Reinberg, came to this country under the Displaced Persons Act and were admitted at San Francisco on September 23, 1950, for permanent residence.

Sponsor states her brother, beneficiary, has been retarded mentally from birth. He is not insane, and has never required institutional care or treatment. She states he is physically able to work, but has never worked very much as she feels her parents have shielded him more than his own good demanded. At the present time he is assisting his father in raising poultry and gardening. He is well known to Mrs. James Hunt, of the Holly Nursery, Eureka, Calif.; in fact, they grew up together in Shanghai as neighbors. Mrs. Hunt will employ him as a laborer in the nursery if he is permitted to enter this country, according to sponsor.

Sponsor states her parents will not emigrate to the United States if the beneficiary is not permitted to come here. They presently reside with him at Asuncion, Paraguay, to which place they removed in August 1951. If they do come here, they will reside with sponsor until self-supporting. Sponsor is employed as a secretary by Goldstone Bros., 420 Market Street, San Francisco, at a salary of \$312 per month. Her husband works as a warehouseman for Standard Oil Co., in San Francisco, at a salary of \$4,500 per annum. They have no children. Their assets consist of about \$1,000 in savings. Sponsor is anxious to have members of her family reunited in the United States, where they may have a better life.

The Acting Director of the Visa Office, Department of State, also submitted a report on this case, as follows:

DEPARTMENT OF STATE,
Washington, September 3, 1954.

HON. CHAUNCEY W. REED,
*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. REED: Reference is made to your letter of August 16, 1954, and its enclosures, wherein you request a report of the facts in the case of Alexander A. Nifidoff, beneficiary of H. R. 10233, 83d Congress, 2d session.

According to a report received from the Embassy at Asuncion, Mr. Alexander A. Nifidoff was refused a visa at the consulate at Tubaboa, Guian, Samar, Philippines, on the basis of a medical examination which showed him to be mentally defective, and therefore excludable under the provisions of section 3 of the Immigration Act of February 5, 1917, as amended, which was applicable at that time. A medical examination undergone by Mr. Nifidoff at Asuncion on March 3, 1953, resulted in his being classified as feebleminded. In consequence, he was refused a visa under the provisions of section 212 (a) (1) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who are feebleminded.

At this time the Department has no knowledge of any factor in Mr. Nifidoff's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Nifidoff from receiving a visa.

Sincerely yours,

JOSEPH J. CHAPPELL,
*Acting Director, Visa Office
(For the Secretary of State).*

Mr. Mailliard, the author of H. R. 1233, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his bill, pointing out the fact that the beneficiary's father, who is eligible to receive a visa to the United States, refuses to leave his son alone in Paraguay.

In addition, Mr. Mailliard submitted the following letter from the sister of the beneficiary of this bill:

SAN FRANCISCO, CALIF., February 28, 1956.

HON. WILLIAM S. MAILLIARD,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I want to thank you for your letter of January 11 in connection with your bill, H. R. 1233, in behalf of my brother, Alexander A. Nifidoff.

I wanted to let you know that my husband and I have today proudly taken the oath and are now citizens of the United States. This has made us very happy and we will do all we can to be worthy of the honor. We hope the fact of our citizenship also will have some bearing on the bill you have introduced for my brother in that it may help to get it through as quickly as possible.

I know you will be sorry to hear that my mother passed away in Paraguay last month and the family I am now awaiting has dwindled to two, my brother and my father. In our great sorrow it is so important to us that we should be together and we await word from you with each passing day that this can at last be accomplished.

Yours sincerely,

MOIRA REINBERG
Mrs. B. Reinberg.

Kieran Patrick Kenny.—H. R. 1451, by Mr. Rooney

The beneficiary is a priest of the Roman Catholic Church, who was born in Ireland and is a citizen of that country. He suffered a nervous breakdown in Korea in 1949 and was brought to the United States for treatment. He later returned to Ireland and applied for an immigrant visa to the United States, which was granted, but he

was refused admission upon his arrival in New York because of the previous attack of insanity. Even though medical evidence has been presented to the Immigration and Naturalization Service that Father Kenny has made a complete recovery, he will never be admissible to the United States without the waiver provided by this legislation.

Certain pertinent facts in this case are contained in a letter, dated August 18, 1954, from the Commission of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 9384) pending during the 83d Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 18, 1954.

HON. CHAUNCEY W. REED,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9384) for the relief of Kieran Patrick Kenny, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

It should be noted that the beneficiary paid a visa fee and was charged to the appropriate quota when he secured an immigrant visa from the American consul in Dublin, Ireland, on October 3, 1951. It is accordingly suggested that the committee may wish to delete that portion of the bill which makes reference to these requirements.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION FILES
RE KIERAN PATRICK KENNY, BENEFICIARY OF H. R. 9384

The beneficiary, Kieran Patrick Kenny, is a priest of the Roman Catholic Church who was born in Ferbane, Ireland, on February 6, 1923, and is a citizen of Ireland. He first arrived in the United States in August 1949 while in transit to Korea. After suffering a nervous breakdown he was evacuated from Korea and returned to the United States in May 1950 for hospitalization, and he was admitted temporarily under the discretion contained in the 9th proviso to section 3 of the Immigration Act of February 5, 1917, inasmuch as he was deemed inadmissible by reason of his having been afflicted with a mental disorder during his sojourn in Korea. After successful therapy and convalescence in the United States, he returned to his native land, applied for and was granted an immigrant visa but was excluded upon his arrival at the port of New York on October 7, 1951, by a board of special inquiry as one who has had a previous attack of insanity. This decision was appealed and on November 1, 1951, the central office of this Service ordered that he be admitted as a visitor for 3 months under the 9th proviso to section 3 of the Immigration Act of 1917. This admission was under bond and he has received several extensions, the last of which expired on July 1, 1954. Steps are presently being taken with a view toward the institution of deportation proceedings.

The beneficiary was ordained in 1947 and is a member of the St. Columbans Foreign Mission Society, an order which maintains missions in the Far East. He resided in Ireland until 1949 when he departed on assignment for missionary work in Mokpo, Korea, where, during 1950, he suffered his mental breakdown under the pressure of the news of his mother's death, the imminence of a Communist invasion, and the death of seven of his fellow priests at the hands of the Communists. The beneficiary's condition has been certified by the United States Public Health Service as schizophrenia. However, the files of this Service contain medical testimony which seem to indicate that the beneficiary has made a complete recovery with no residual effects.

Since his return to the United States in 1951 the Reverend Kenny has engaged in parish work in Refugio, Tex., and is presently active in his priestly duties at the St. Columbans House, 869 President Street, Brooklyn, N. Y. He has a brother, also a priest, and an uncle residing in the United States. His father resides in Ireland as well as two sisters, one of whom is the mother superior of a convent. Another sister is the mother superior of a convent in Bangalore, India. The beneficiary has assets of \$300 in personal possessions; however, at present he is a priest in good standing and a lifetime member of the St. Columban Fathers and his support has been assured. His superiors have stated that his duties and activities are limited in no way.

An additional report from the Commissioner of Immigration and Naturalization on this case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 5, 1956.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on August 18, 1954, relative to Kieran Patrick Kenny, beneficiary of private bill H. R. 9384, 83d Congress, who is now the beneficiary of private bill H. R. 1451, 84th Congress.

On January 10, 1956, you requested a report indicating whether or not Father Kenny, who voluntarily departed from the United States on October 27, 1955, appears to be excludable under any of the provisions of section 212 of the Immigration and Nationality Act.

Notwithstanding the medical evidence that Father Kenny has made a complete recovery from his illness, it appears that he may be found to be ineligible to receive a visa and excludable from admission into the United States under section 212 (a) (3) of the Immigration and Nationality Act, as an alien who has had one or more attacks of insanity.

Sincerely,

_____, Commissioner.

Mr. Rooney, the author of H. R. 1451, submitted the following letter in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 5, 1956.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MANNIE: This has reference to your letter of December 16 together with the attached copy of report submitted by the Commissioner of the Immigration and Naturalization Service relative to the case of Rev. Kieran Patrick Kenny, the subject of my bill, H. R. 1451.

As indicated by you, the alien has effected his departure from the United States and the Subcommittee on Immigration and Nationality will probably consider tabling action upon the reconvening of Congress.

I should like to have the bill considered formally and would like to have the opportunity to be heard. Since the Department of Justice claims that Father Kenny suffered a mental attack a number of years ago, he would not be in a position to return to the United States unless there was consideration given for a waiver of the cause of exclusion.

With cordial regards, I am,

Sincerely,

JOHN.

Mrs. Emma Green—H. R. 1533, by Mr. Wilson of California

The beneficiary is a 60-year-old native of Canada who is inadmissible to the United States because she entered this country by falsely claiming to be a citizen. Mrs. Green resides in California and is partially supported by a pension she receives from the United States Government since the death of her husband who was a veteran of the United States Marine Corps.

The pertinent facts in this case are contained in a letter, dated June 29, 1954, from the Executive Assistant to the Commissioner of Immigration and Naturalization, to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 8679) pending during the 83d Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

JUNE 29, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8679) for the relief of Mrs. Emma Green, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Diego, Calif. office of this Service, which has custody of those files.

The bill would provide that, "notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act, Mrs. Emma Green may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the Act."

Sincerely,

Executive Assistant to the Commissioner
(In absence of Commissioner).

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE MRS. EMMA GREEN, BENEFICIARY OF H. R. 8679

Mrs. Emma Green (nee Kehl), is a widow who was born on May 7, 1895, in Kitchener, Ontario, Canada. She is a citizen of Canada and last entered the United States on an unknown date in 1947 at the port of San Ysidro, Calif. At that time she gained admission to this country by falsely claiming to be a citizen of the United States. She had been in Mexico but a few hours and was returning to resume an illegal residence in the United States.

She first entered the United States in 1920 as a visitor for 3 months, but remained in this country for 10 years. About 2 weeks after she went back to Canada in 1930 she returned to the United States and gained admission by falsely claiming citizenship of the United States. She again returned to Canada in 1932 and after remaining there but a short time she entered the United States, again falsely claiming United States citizenship. She did not leave the United States again until 1947 when she went to Tijuana, Mexico, for a short visit and last entered this country at San Ysidro, Calif. She has never been lawfully admitted to the United States for permanent residence.

Deportation proceedings were instituted against Mrs. Green on October 8, 1952, on the ground that she was an alien not in possession of a valid immigration visa at the time of her last entry into the United States. She was afforded opportunities to depart voluntarily from the United States before a formal order of deportation was entered, but she failed to avail herself of that privilege. She was granted a hearing by a special inquiry officer on September 29, 1953, and on September 30, 1953, he entered an order of deportation against her. She appealed from the decision of the special inquiry officer and on December 17, 1953, the Board of Immigration Appeals ordered that the order of deportation be withdrawn and that Mrs. Green be permitted to depart from the United States voluntarily without expense to the Government. The Board of Immigration Appeals further ordered that, in the event she did not so depart, the order of deportation be reinstated and executed. She has not departed from the United States.

Mrs. Green lives in a rented room in San Diego, Calif. She has received a widow's pension from the United States Government since the death of her husband, a veteran of the United States Marine Corps, in 1950. She is self-employed as a dressmaker and earns approximately \$25 a week. She has no income from any other source, and her total assets approximate \$1,000. She has no children and no close relatives in the United States or in Canada. She attended grade school and 1 year of high school in Canada.

Mr. Wilson of California, the author of H. R. 1533, submitted the following letters in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 2, 1954.

HON. CHAUNCEY REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR COLLEAGUE: I have introduced H. R. 8679, a measure setting aside provisions of section 212 (a) (19) of the Immigration and Nationality Act, in the case of Mrs. Emma Green.

Mrs. Green is a 59-year-old native and citizen of Canada. She is not eligible for admission under the Immigration and Nationality Act because she gained admission into the United States several times indicating that she was a citizen, the last time being in 1947, and she was not, in fact, in possession of a valid immigration visa. She has never been admitted to the United States as a permanent resident, although she has been a resident of the United States since 1920.

Mrs. Green is the widow of a deceased retired member of the United States Marine Corps. She is the recipient of a pension from the Veterans' Administration. She has a disease of the eyes which requires frequent hospitalization, which she receives from the Veterans' Administration.

I enclose herewith a letter from the director of the Immigration and Nationality Service in Los Angeles, which indicates why she would not be admissible, in view of section 212 (a) (19) of the Immigration and Nationality Act.

It is, therefore, requested that a report be obtained from the appropriate department and an early hearing be scheduled on this measure. If this measure is passed by the Congress and signed by the President, Mrs. Green will then be in position to return to Canada and procure a valid immigration visa.

With best wishes to you and my thanks for your cooperation.

Sincerely,

BOB WILSON, Member of Congress.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Los Angeles, Calif., February 24, 1954.

HON. BOB WILSON,
House of Representatives, Washington, D. C.

DEAR MR. WILSON: Reference is made to your letter of February 10, 1954, concerning the case of Mrs. Emma Green, 1033 South 32d Street, San Diego, Calif.

The delay in answering your letter has been caused by necessity for obtaining the file in the case from our San Diego office. In response to your question of whether Mrs. Green is excludable from entry into the United States, should she return to Canada, obtain a nonquota immigrant visa, and apply for reentry, I should point out that Mrs. Green appears to be ineligible for an immigrant visa and excludable from entry into the United States under section 212 (a) (19) of the Immigration and Nationality Act.

This section of the law recites the classes of aliens who "shall be ineligible to receive visas and shall be excluded from admission into the United States", and the class described in subparagraph (a) (19) is "any alien who seeks to procure, or has sought to procure, or has procured, a visa or other documentation, or seeks to enter the United States, by fraud, or by willfully misrepresenting a material fact." The present deportation proceedings against Mrs. Green arise from the fact that in 1947 she visited Mexico and reentered through the port of San Ysidro without the required documents for entry and falsely claiming to be a United States citizen. The record in her case also shows that on prior occasions she entered the United States by falsely claiming to be a citizen of the United States. These facts would probably be held to require Mrs. Green's exclusion from entry under section 212 (a) (19) if she should depart from this country and attempt to reenter.

Very truly yours,

District Director.

Mr. Wilson also appeared before a subcommittee of the Committee on the Judiciary and testified in support of his measure, as follows:

RE H. R. 1533, MRS. EMMA GREEN

Mrs. Green was born on May 7, 1895, in Canada. She first entered the United States in 1920 as a visitor and has remained here continuously since that time with the exception of several visits of short duration to Canada and a brief visit to Tijuana, Baja California, in 1947.

In September 1922, she married a member of the United States Marine Corps. She was married to this man until his death in 1950. She is the beneficiary of a widow's pension.

Mrs. Green has no living relatives in either this country or Canada.

She additionally has an affliction of the eyes and has had cataracts removed.

She has been ordered deported because of her entry in 1947 to the United States at which time she alleged she was a citizen of the United States.

I am convinced that she honestly stated her status as she believed it to be.

In view of her physical condition, her age, and her marriage for 28 years to a member of the armed services, it is respectfully requested that favorable action be taken on this bill.

Mrs. Enriqueta Velarde de Boyce—H. R. 1534, by Mr. Wilson of California

The beneficiary is a native and citizen of Mexico who is the wife of a citizen of the United States.

The pertinent facts in this case are contained in a letter, dated July 12, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 12, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1534) for the relief of Mrs. Enriqueta Velarde de Boyce, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Diego, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who are prostitutes or who have engaged in prostitution, and would grant the alien permanent residence in the United States if she is found to be otherwise admissible. It would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ENRIQUETA VELARDE DE BOYCE, BENEFICIARY OF PRIVATE BILL H. R. 1534, 84TH CONGRESS

Enriqueta Velarde de Boyce, alias Adela Ozuna Lizarraga, nee Velarde, a citizen of Mexico, was born in La Noria, Sinaloa, Mexico, May 13, 1922. She is married to Glenn Donald Boyce, a United States citizen, and they reside at 238 Guanajuato Avenue, Colonia, Cacho, Tijuana, Mexico. The beneficiary attended school on the Rancho Telcoyongue, near her birthplace, where she successfully passed the fifth grade. She is the mother of 2 Mexican-born children, Adrian and Ana Maria, ages 9 years and 22 months, respectively. The last-named child is the issue of the beneficiary's marriage to Mr. Boyce, and although the father of Adrian has not been definitely identified Mrs. Boyce has testified that this boy is the child of Esteban Zatarain, with whom she lived out of wedlock for

about 1 year in Mazatlan. She further testified that she had earned a living for herself and infant son, Adrian, by practicing prostitution in Tijuana, and that it was there that she first met her husband, Glenn Donald Boyce, when he was brought to her room by another Mexican woman. It has been established that the beneficiary and Adela Ozuna L. Lizarraga, a prostitute, and subject of Tijuana Police Department's identification record No. 2560, are one and the same person. This record, which is dated July 2, 1949, discloses that she had been arrested as a prostitute on 1 occasion and for investigation of robbery on 2 other occasions. It also contains a certification dated January 27, 1954, from the health and assistance unit for the city of Tijuana stating that Mrs. Adela Ozuna L. has been registered at the venereal dispensary since 1949 as a "B girl," meaning one who was required to register and appear biweekly for examination and treatment, if necessary, as a venereal-control measure.

The beneficiary was excluded from admission to the United States by a board of special inquiry at San Ysidro, Calif., October 18, 1950, as a prostitute and as a person coming to the United States for an immoral purpose. Consequently, she is not eligible to receive an immigrant visa and for admission into the United States.

Mr. Boyce, a citizen of the United States and former resident of Stockton, Calif., is employed as a test engineer at the Consolidated Vultee Aircraft Corp. of San Diego, Calif. He earns approximately \$475 per month, resides with the beneficiary and her children, and is their only means of support. Their assets consist of a small lot in Tijuana, Mexico, valued at \$1,000 and a home nearing completion in San Ysidro, Calif., valued at approximately \$3,000, which is encumbered by a \$3,000 mortgage. One of the children is a permanent resident of the United States and has been attending school in Chula Vista, Calif., but is now with the family in Tijuana.

The record reflects that notwithstanding the beneficiary's testimony before the board of special inquiry in 1950 relative to the parentage of her son, Adrian, both she and Mr. Boyce testified before a special inquiry officer at San Ysidro, Calif., February 2, 1953, that Mr. Boyce was the father of this child. It appears that they were thereby successful in obtaining an immigrant visa by means of which the child was admitted to the United States for permanent residence on September 13, 1954. Therefore, it would appear that in addition to the existing ground for exclusion the beneficiary may be amenable to the provisions of section 212 (a) (19) of the Immigration and Nationality Act which excludes from admission to the United States aliens who have procured a visa or other documentation by fraud or by willfully misrepresenting a material fact.

The Director of the Visa Office, Department of State, also submitted a report on this case, as follows:

MAY 17, 1955.

HON. EMANUEL CELLER,

Chairman, Committee on the Judiciary,

House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 21, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Enriqueta Velarde de Boyce, beneficiary of H. R. 1534, 84th Congress, 1st session.

A report recently received by the Department from the American consulate at Tijuana, Baja California, Mexico, states that Mrs. de Boyce was born on May 13, 1922, at La Noria, Sinaloa, Mexico, and that she has resided in Tijuana since 1945. The report states further that on January 22, 1953, the consulate informally refused an immigrant visa to her under the provisions of section 212 (a) (12) of the Immigration and Nationality Act on the basis of information contained in the files of the local Immigration and Naturalization Service which is partially based on the Tijuana police authorities' record of the applicant who was formerly a licensed, card-bearing member of the "profession" of prostitutes.

At this time the Department has no knowledge of any factor in Mrs. de Boyce's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Wilson of California, the author of H. R. 1534, submitted the following letters and statements in support of his measure:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 12, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Immigration Subcommittee of the Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR MR. WALTER: Your attention is respectfully requested to H. R. 1534, a private bill for the relief of Mrs. Enriqueta Velarde de Boyce.

Mrs. de Boyce is married to a citizen of the United States, Mr. Glenn Boyce. Mr. Boyce is a constituent and an engineer by profession. Mrs. de Boyce is presently inadmissible because of allegations under section 212 (a) (12) of the Immigration and Nationality Act.

The sincerity of this young man in his desire to bring this alien to this country has deeply impressed me. As evidence of this, he has indicated not only his willingness but his desire to come to Washington and testify before your committee with respect to this bill. In this regard, I quote two paragraphs from a letter I received from him dated July 27, 1955:

"In conclusion, I would like to point out that my wife is a property owner and taxpayer of the United States; that she is married to me, a citizen of the United States; that one of her children is a resident and the other a citizen of the United States; and that she has never been convicted of any crime or offense at any time or place. I served honestly and faithfully in the United States Navy having 4.0 in conduct and 3.8 proficiency in rate and have never been arrested or convicted of any crime or offense.

"I love my wife and children and want to unite my family in our home in San Ysidro, Calif. They have suffered long and needlessly and are worthy and deserving of a chance to lead normal lives in a united home. I am very proud that this woman is my wife and the mother of my children. She is a wonderful mother and housewife. I sincerely solicit your continued support and assistance."

I would be pleased to submit the entire letter should you desire.

In view of the manifest determination with which this young man has pursued this matter, it would seem that the ends of justice would be well served if this bill were to become law in the near future. To that end I respectfully solicit early and favorable consideration of the bill by your committee.

With kind regards and my thanks for your cooperation, I am,

Sincerely,

BOB WILSON,
Member of Congress.

T. R. NEWBERRY & SON,
San Ysidro, Calif., April 7, 1955.

To Whom It May Concern:

I have known Glenn D. Boyce since 1952 when he first came to San Ysidro and purchased a lot from us upon which he subsequently built a residence.

Since that time we have carried his insurance coverages. Mr. Boyce has always been very prompt in paying his bills and has unencumbered real estate upon which I would place a nominal value of \$3,000.

I personally consider him to be an excellent credit risk as I believe him to be conservative and financially sound.

Very truly yours,

PHIL CREASER.

CONVAIR,
San Diego, Calif., March 30, 1955.

To Whom It May Concern:

This will certify that Mr. Glenn D. Boyce joined Convair on June 11, 1951. He is now classified as a test engineer "B" at a base salary of \$475 per month. Mr. Boyce's position with this company is of a permanent nature.

H. T. BROOKS,
Administrative Supervisor, Engineering Department.

To Whom It May Concern:

I personally know Mrs. Enriqueta Velarde de Boyce, having baptized her children; I visited her at the hospital, during the birth of her last child. Mrs. Boyce is a good Christian woman, of good character and integrity; is an excellent mother and good wife.

Myself and the people who attend this church, very attentively solicit your help in uniting Mrs. Boyce with her husband. She very much deserves the help that you can grant her and that you give her your consideration.

Attentively,

[CHURCH SEAL]

(Signature) ————

Mrs. Elizabeth G. B. Hohn—H. R. 3047, by Mr. McMillan

The beneficiary is a 43-year-old native and citizen of Germany who is the wife of a United States citizen. She is inadmissible to the United States because of 3 convictions, 1 for theft and 2 for receiving stolen goods.

The pertinent facts in this case are contained in a letter, dated November 1, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 1, 1955.

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 3047) for the relief of Mrs. Elizabeth G. B. Hohn, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and aliens who have been convicted of two or more offenses for which the aggregate sentences to confinement were 5 years or more and would grant the alien permanent residence if she is found to be otherwise admissible, provided that this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE MRS. ELIZABETH G. B. HOHN, BENEFICIARY OF H. R. 3047

Mrs. Elizabeth G. B. Hohn is a native and citizen of Germany. She was born on October 31, 1912, in Treis, Mosel, Germany. Her maiden name was Elizabeth Greisler. She was also Mrs. Werner Bettermann. Mrs. Hohn has been married on two occasions. Her first marriage was to Werner Bettermann on September 29, 1934, in Germany. Two children, Werner and Renate Bettermann, were born of this marriage in Germany. This marriage was terminated on June 4, 1948, by divorce in Germany. On June 2, 1949, she married Bobbie F. Hohn, a citizen of the United States, at Bad-Homburg, Hessen, Germany, where she now resides with Mr. Hohn and her two children.

Mrs. Hohn has never been in the United States. She states she applied for an immigrant visa at the American consulate in Frankfurt on the Main, Germany, in April 1950, and at the American consulate in Bordeaux, France, in November of 1954, but that she was refused such visa at both consulates due to her criminal record. Mrs. Hohn states that she was fined 24 marks for buying stolen property at Coblenz, Germany, in 1937, and that in 1943, she was tried by the military court for hiding her brother who was absent without leave from the German Army. At this trial the additional charge of theft was placed against her as she had harbored her brother who was charged with theft. As her brother had already been executed for being absent without leave, he could not testify as to

her innocence of this charge, and she was sentenced to 5 years' imprisonment. Mrs. Hohn states she was not guilty of any of these charges.

Bobbie Hohn was born in Hickory, N. C., on August 12, 1918. He has been a member of the United States Army since October 4, 1936. His Serial Number is RA6964759. His present rating is that of master sergeant. His income is \$334 monthly.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information relating to the beneficiary.

The Director of the Visa Office, Department of State, also submitted a report on this case, as follows:

DEPARTMENT OF STATE,
Washington, September 9, 1955.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. CELLER: Reference is made to your letter of May 9, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Elizabeth G. B. Hohn, beneficiary of H. R. 3047, 84th Congress, 1st session.

A report recently received by the Department from the American consulate at Bordeaux, France, states that Mrs. Hohn filed a preliminary application for a visa at that office on August 20, 1954. Petition VP 20-3494, filed on August 31, 1954, by the applicant's husband, Bobbie F. Hohn, for nonquota status was approved by the Immigration and Naturalization Service, Overseas Branch, at Frankfurt on the Main, Germany, on August 31, 1954.

An examination of the visa dossier transferred to the consulate at Bordeaux by the American consulate general at Stuttgart, Germany, on February 17, 1955, revealed that Mrs. Hohn was refused a visa at Frankfurt on March 10, 1950. The grounds for the refusal were three convictions for crimes involving moral turpitude, for which the aggregate sentences to confinement were more than 5 years. The crimes involved were 1 count of theft and 2 counts of receiving stolen goods. The convictions were handed down between the years 1937 and 1943, in Germany. On the basis of the foregoing Mrs. Hohn is considered ineligible to receive a visa under the provisions of section 212 (a) (9) and (10) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mr. Hohn's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. McMillan appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his measure. In addition Mr. McMillan submitted the following letters in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1956.

HON. EMANUEL CELLER,
*Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN CELLER: I hope that your committee can take some action on the bill I introduced in behalf of the wife of M/Sgt. Bobbie F. Hohn, some time in the near future.

Sergeant Hohn has served with the United States Armed Forces continuously during the past 18 years, and soon after World War II, he married a German girl. He has been transferred to the United States twice since then and has not been able to bring his wife with him since she was convicted on two occasions during World War II for stealing food. I feel that if everyone who stole food in Germany during World War II were convicted, we wouldn't have many people left in that country.

I certainly hope that this case can be favorably reported in the near future so that Sergeant Hohn, who performed excellent service in World War II and the

Korean war, can bring his wife to the United States when his term of duty expires in June 1956.

With kindest personal regards, I am,
Sincerely yours,

JOHN L. McMILLAN,
Member of Congress.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, January 25, 1951.

HON. JOHN L. McMILLAN,
House of Representatives.

MY DEAR MR. McMILLAN: I have the honor to refer to your letter dated January 5, 1951, expressing your continued interest in the visa applications of Mrs. Elisabeth G. B. Hohn and her two children, Werner and Renate Bettermann, who reside at No. 9 Loewengasse, Bad Homburg, Hessen, Germany. I have noted with particular sympathy your statements concerning the unfortunate circumstances of Mrs. Hohn's husband who is at present a bed patient at Walter Reed Hospital, having been seriously wounded in battle in Korea, and who continues to make every request for his wife and stepchildren to visit him.

As you know, the consulate general had no alternative under the law but to refuse to issue an immigration visa to Mrs. Hohn in view of section 3 of the Immigration Act of February 5, 1917, as amended, because she has been convicted upon three separate occasions of crimes involving moral turpitude.

While it is true that the United States Attorney General pursuant to authority vested in him by the ninth proviso of section 3 of the Immigration Act of February 5, 1917, as amended, might authorize her temporary admission into the United States as an alien who is otherwise excludable under the law, an exception of this nature may only be applied in those cases where the alien concerned is a bona fide temporary visitor within the meaning of law, and regulations. In the case of Mrs. Hohn and her two children, the consulate general could not, in view of title 22, section 42.135, of the United States Code of Federal Regulations, classify them as bona fide temporary visitors. For your ready reference, the pertinent portion of the aforementioned Code of Federal Regulations is quoted as follows:

"Evidence that the applicant has close ties abroad of a permanent nature is material. On the other hand, the absence of ties abroad which would tend to induce the alien to return abroad voluntarily coupled with the presence of near relatives and means of support in the United States may be regarded as evidence that the alien does not have a definite intention of remaining temporarily in the United States and that he is not entitled to nonimmigrant status. If such an applicant has previously expressed a desire to immigrate into the United States for permanent residence and is applying for a visa as a temporary visitor only because he is prevented from immigrating by quota or other restrictions, the above implication is strengthened."

In the aforementioned circumstances and in reply to your expressed desire that the wounded soldier husband receive extra consideration from the United States Government, I can only suggest the enactment of a private law by the Congress for the relief of Mrs. Hohn.

I assure you that the consulate general has accorded Mrs. Hohn every possible consideration consistent with the existing immigration laws and regulations and that in reviewing again the circumstances of her case, the expression of your interest in its compassionate aspects has been borne constantly in mind.

Sincerely yours,

BYRON B. SNYDER,
American Consul
(For the Consul General).

FORT BENNING, GA., *June 4, 1950.*

HON. JOHN L. McMILLAN,
Member of Congress,
House of Representatives, Washington, D. C.

DEAR SIR: I am writing you in regard to my wife, Mrs. Elisabeth Hohn, who at this time, lives at Lawengasse 9, Bad Homburg, Hessen, Germany, and I am asking if you can help in getting my wife and child over here to me.

Sir, I was raised in South Carolina. I have been in the Army 15 years and have a clear record. The time I was in civilian life, no one spoke bad of me. I was with

the 4th Division during the war and this is where I met my wife. She is a very fine girl and I will promise you she will make a good true American of which we will all be proud.

After the war was over we put in our papers to be married. The papers were, approved by the Military Government, CID, and also by the Army on May 15 1949. We were married on June 2, 1949. She then applied to enter America. This was approved by the Commissioner of Immigration at Washington and her visa was sent to the American consulate at Frankfort-on-the-Main, Germany, January 20, 1950. She was notified to be ready to go in 2 weeks and passed all of her examination. Two days before she was ready to go, she was notified that she would not be given a visa because she had a prison record.

Dear, sir, I have written to the consulate and they have given me no reply. What I can't understand is why the Army let us get married and now I can't be with her.

What I am asking you to do will you please help me so I can have my wife with me, or is there a way I can be stationed in Germany where I can be with her. I have one child, and I love them more than anything. So please, sir, I will appreciate anything that you can do to help me.

Respectfully yours,

Sgt. BOBBIE F. HOHN,
Company B, 30th Infantry.

Mrs. Gertrud Auguste French.—H. R. 6238, by Mr. Westland

The beneficiary is a 29-year-old native and citizen of Germany who is the wife of a United States citizen, who is inadmissible to the United States because of convictions for theft on two occasions, and because she attempted to secure a visa to the United States by withholding the fact that she had been convicted.

The pertinent facts in this case are contained in a letter, dated July 27, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 27, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6238) for the relief of Mrs. Gertrud Auguste French, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of, or who admit having committed, a crime involving moral turpitude. The bill also provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

_____, Commissioner

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MRS. GERTRUD AUGUSTE FRENCH, BENEFICIARY OF H. R. 6238

Information concerning the beneficiary was obtained from Charles William French, husband and sponsor, Friday Harbor, Wash. The beneficiary, Mrs. Gertrud Auguste French, nee Wagner, a native and citizen of Germany, was born August 2, 1926. She married the sponsor in Switzerland on September 2, 1953. They have no children. The beneficiary lives with her mother, Catherine Wagner, at 113 Grohs-Berkle by Hameln, Germany. Her father, Rudolph Wagner, is dead. She has never been in the United States. The beneficiary is employed in Germany as a domestic at a salary of \$20 per month. Her husband

contributes \$50 per month toward her support. They have no assets. Her education consists of 8 years of elementary school in Germany.

The sponsor and husband of the beneficiary is a native and citizen of the United States, born August 24, 1928. He is employed as a laborer at Friday Harbor, Wash., and receives a salary of approximately \$200 per month. He served honorably in the United States Army from December 15, 1950, to October 8, 1953.

According to the sponsor, the beneficiary was convicted in 1945 and 1947 for the crime of theft in Hameln, Germany, and received a 3-month sentence on each occasion. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure further information concerning the beneficiary's arrests in Germany.

The Director of the Visa Office, Department of State, also submitted a report on this case, as follows:

DEPARTMENT OF STATE,
Washington, June 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 24, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Gertrud Auguste French, beneficiary of H. R. 6238, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Hamburg, Germany, states that Mrs. French was convicted of several counts of theft on September 3, 1946, and on June 19, 1948, by the district court at Hameln, Germany. These convictions render her ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act as a person who has been convicted of a crime involving moral turpitude. There is enclosed for the use of the committee a copy of the records of conviction in the case of Mrs. French.

As Mrs. French was convicted of committing a crime involving moral turpitude on more than one occasion, she would be ineligible for the relief provided in section 4 of Public Law 770.

At this time the Department has no knowledge of any factor in Mrs. French's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

[TRANSLATION (German)]

COLOGNE, January 19, 1954.

The Attorney General.
File No. 28 AR 99/53.

Mrs. Gertrud Auguste French, nee Wagner, Gross -Berkel 113, near Hameln.

In the criminal case against Gertrud Wagner, instructions have been given to wipe off the court sentences from the police record of Gerda Wagner, born on August 2, 1926, at Cologne, and residing at the time at Saarbrueckerstrasse 58, Landstuhl, as follows:

- (1) September 3, 1946 (AG Hameln, 4 Ds 53/46), for continued grand larceny, 4 months in prison, including custody pending trial, sentence suspended until October 15, 1949, set aside by amnesty of December 31, 1949;
- (2) June 19, 1948 (AG Hameln, 4a Cs 389/48), theft, 2 months in prison, sentence suspended until August 31, 1952, set aside by amnesty of December 31, 1949.

Marriage certificate is attached.

(For the Attorney General).

Translated by Elizabeth Hanunian, March 30, 1955.
(Document not legalized—carbon copy.)

Mr. Westland, the author of H. R. 6238, submitted the following letters and statements in support of his measure:

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Hamburg, Germany, May 25, 1955.

HON. JACK WESTLAND,
House of Representatives.

MY DEAR MR. WESTLAND: I have received your letter of May 6, 1955, with further reference to the immigrant visa application of Mrs. Gertrud Auguste French and requesting copies of the court records involved in her case.

In accordance with your request, there are enclosed pertinent excerpts of the court records pertaining to Mrs. French's convictions for theft on September 3, 1946, and on June 19, 1948, by the district court at Hameln, Germany. As stated in this office's letter to you of January 21, 1955, these offenses render Mrs. French ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act of 1952.

Moreover, as she denied under oath in a formal application for an immigrant visa on December 28, 1954, that she had ever been convicted of a crime involving moral turpitude she appears to be ineligible to receive a visa under section 212 (a) (19) as a person who has sought to procure a visa by wilfully misrepresenting a material fact. The application in question was taken before the consulate general received information regarding Mrs. French's convictions from the Frankfurt office where she had previously applied and had been refused.

Sincerely yours,

EDWARD S. MANEY,
American Consul General.

[Translation]

THE DISTRICT COURT,
Hameln, June 19, 1948.

It is requested to refer to the file number below in all correspondence.

File No. 4 a Cs 389/48.

Effective, Hameln, July 31, 1948,

s/ JUSTIZINSPEKTOR.

Miss Gerda Wagner, born on August 2, 1926, Gr. Berkel No. 113.

COURT ORDER

The prosecuting authority accuses you of having taken away movable items not belonging to you at Hameln, on January/February 1948 with the intent to illegally appropriate them. During a public ball at the "Felsenkeller" in Hameln on January 4, 1948, you stole a blue lady's bag; on January 30, 1948, a skirt of a lady's suit and a pair of black lady's shoes; and on February 17, 1948, you stole 650 reichsmarks out of a wallet which was in the pocket of a jacket hanging in a restaurant.

This represents a violation of paragraph 242 of the German Penal Code.

Evidence: Your own confession.

An imprisonment sentence of 2 months will be imposed on you.

Furthermore you have to pay the costs of the proceedings.

This court order becomes effective unless you make an appeal in writing to the undersigned district court or have an appeal entered officially by the clerk of the court within 1 week after receipt of this document.

[Translation]

PUBLIC SESSION OF THE DISTRICT COURT

In presence of Amtsgerichtarat Mohrmann, as judge; Staatsanwalt Ludwig, as official of the prosecuting authority; Justin-Assistent Rosslan, as records' official of the office of the court. ST P 4 Ds 53/46. *HAMELN, September 3, 1946.*

Case against—

(a) the worker Kurt Dosdall.

(b) The worker Gerda Wagner from Gr. Berkel No. 170, born on August 2, 1926 in Koeln.

(c) The driver Erwin Stoeter.

The three accused are guilty: Dosdall and Wagner of continuous severe theft, Stoeter of severe theft in one case.

They are to be sentenced—

1. Dosdall.
2. Wagner is convicted to a total sentence of 5 months' imprisonment.
3. Stoeter.

The three accused have to bear the costs of the proceedings. The period of time of the arrest on remand served prior to the trial will be entirely deducted from the sentences imposed on Dosdall and Wagner.

The accused Wagner has to be released immediately from the arrest on remand.

The warrant of arrest by the district court Hameln, dated July 6, 1946, concerning Gerda Wagner is hereby annulled.

(Signature illegible).

REASONS

The accused Kurt Dosdall and Gerda Wagner were working fellows in the firm Rumpfkell at Gross-Berkel. During the working hours the accused Wagner often complained and told the coaccused Dosdall that her family who had been evacuated from Koeln, had nothing to eat. The accused Dosdall was finally willing to help the Wagner family by breaking into the workshop of his employer's attic, and stealing the items as particularly designated in the bill of indictment, of which he gave a greater part to the coaccused Wagner. Wagner had participated as coculprit.

(Details re Stoeter omitted.)

All three accused confess in the sense of the accusation. They state as their defense the following:

The accused Dosdall felt sorry for the Wagner family who had nothing to eat. Since they were not able to procure anything by legal means, he let himself be persuaded by the coaccused Gerda Wagner to break into the factory, because he knew that a greater amount of clothing items, linen and woolen blankets were in the attic of his employer's factory. He stated that Gerda Wagner had influenced him each time before each theft he had committed with her. When the first theft was committed, he did not lock the window of the workshop after the working hours, entered the building through this window, went thereupon to the attic where he stole the woolen blanket which he gave immediately to Gerda Wagner. The coaccused Wagner is supposed to have been a lookout woman when he committed the theft. For the committance of further thefts he took out of his employer's pocket the key for the workshop during an unwatched moment and carried it around with himself all the time. The coaccused Wagner is said to have influenced him because she could not get potatoes at any other way but to break into the factory and to steal there a pair of slippers which she wanted to exchange for potatoes. Gerda Wagner is said to have been standing in the courtyard of the factory and to have taken the slippers he handed to her. In order to help Gerda Wagner to get a dress, he again entered the factory—after having again been influenced by her—went to the attic and drew out a weight from the lining material stored there, while Gerda Wagner had cut away some pieces.

(Details re Stoeter omitted.)

The accused Gerda Wagner denies to have influenced the accused Dosdall for the committance of these punishable actions. According to her statement Dosdall had persuaded her to accompany him into the factory and to take some of the items stored there for her own use in order to soothe her distress. In general the thefts stand in the same way as the accused Dosdall had described it. But she had committed the action entirely because of her distress, since she could no longer see how her mother and sisters and brothers keep on starving. All her attempts to get some foodstuff on a legal basis had been in vain, and thus she stated that she succumbed the instigations of Dosdall.

(Details re Stoeter omitted.)

All three accused became guilty of severe theft and were to be punished. When making the sentence it had to be considered that all of them were very young and not convicted before, that the greatest part of the stolen items could be returned to the owners and thus no damage worth mentioning occurred, that the action of all three was caused by a certain distress, and that the actions were committed more or less because of their juvenile thoughtlessness and juvenile inexperience—in the case of Dosdall obviously because of a certain seeking adventures—than of a criminal inclination. It was aggravating, however, in the case of Dosdall and Wagner, that they became guilty of a break of confidence toward

their employer. In considering all circumstances the court considered it a necessary but also sufficient expiation of the action to impose on the accused Dosdall an imprisonment sentence of 5 months, on the accused Wagner an imprisonment sentence of 4 months, and on the accused Stoeter an imprisonment sentence of 3 months.

The arrest on remand served prior to the trial could be entirely deducted from the sentences imposed on Dosdall and Wagner.

The costs are based upon paragraph 465 of the regulations of criminal proceedings.

(Signed) ROSSLAN.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington 25, D. C.

[Representative Westland]

[TRANSLATION (German)]

GR. BERKEL, May 24, 1954.

Community of Gr. Berkel
The Community Director

CERTIFICATE OF GOOD CONDUCT

Mrs. Gertrud French, née Wagner, born on August 2, 1926, at Cologne, resumed her residence here on October 15, 1953. The community has no adverse information concerning her conduct.

This certificate is issued for submittal to the Immigration authorities.

The Community Director.

[rubber-stamped]

Translated by Elizabeth Hanunian March 30, 1955.
(Certificate not officially legalized.)

Upon consideration of all the facts in each case included in this joint resolution, the committee is of the opinion that House Joint Resolution 553 should be enacted and accordingly recommends that the resolution do pass.

○

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